

Page 1 of 3

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0342-AIR-E TCEQ ID: RN100223783 CASE NO.: 35454
RESPONDENT NAME: Enbridge Pipelines (NE Texas) L.P.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Pittsburg Gas Plant, 1088 County Road 1140, Camp County</p> <p>TYPE OF OPERATION: Natural gas processing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, R-04, (817) 588-5890; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="padding-left: 20px;">Respondent: Mr. David Billinger, EH&S Advisor, Enbridge Pipelines (NE Texas) L.P., 2020 Bill Owens Parkway, Suite 100, Longview, Texas 75604</p> <p style="padding-left: 20px;">Mr. Kerry Puckett, VP Engineering & Operations, Enbridge Pipelines (NE Texas) L.P., 2020 Bill Owens Parkway, Suite 100, Longview, Texas 75604</p> <p style="padding-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
JUL 22 11:42
CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 28, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 21, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to maintain an emission rate below the maximum allowable emission limit for the tail gas thermal oxidizer ("TGTO") [emission point number ("EPN" THERMOX)]. Specifically, the sulfur dioxide ("SO₂") limit of 37.58 pounds per hour ("lbs/hr") was exceeded as follows: 15 times during the month of January 2007, 6 times during the month of February 2007, 4 times during the month of March 2007, 2 times during the month of April 2007, 6 times during the month of May 2007, and 17 times during the month of June 2007. The SO₂ exceedances for these time periods varied from 37.63 to 144.67 lbs/hr [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 1, General Operating Permit ("GOP") No. 514, Federal Operating Permit ("FOP") No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain the TGTO oxygen ("O₂") content at no less than 3%. Specifically, O₂ content was below 3% as follows: 9 times during the month of January 2007, 248 times during the month of February 2007, 177 times during the month of March 2007, 9 times during the month of April 2007, and 1 time during the month of June 2007. The O₂ exceedances for these time periods varied from 0.35 to</p>	<p>Total Assessed: \$12,954</p> <p>Total Deferred: \$2,590 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$10,364</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order, submit a revised semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 to include all instances of deviations, in accordance with 30 TEX. ADMIN. CODE § 122.145;</p> <p>b. Within 30 days after the effective date of this Agreed Order, implement procedures to maintain the TGTO O₂ content at no less than 3%, the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit and, begin maintaining all required records, in accordance with Permit No. 8986, Special Condition Nos. 9 and 13D;</p> <p>c. Within 45 days after the effective date of this Agreed Order, develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of emission exceedances of SO₂ from the TGTO that occurred on January 1, 2007 to June 30, 2007; and</p> <p>d. Within 60 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.</p>

<p>2.44% content [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to maintain the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit. Specifically, temperature was below 1,000 degrees Fahrenheit as follows: 5 times during the month of January 2007 and 3 times during the month of March 2007. The temperature exceedances for these time periods varied from 619.66 to 935.42 degrees Fahrenheit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to properly maintain records for a period of two years and make them readily available upon request. Specifically, records were missing for March 6-15, 2007, May 19, 2007, and June 23-24, 2007 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 13D, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to report all instances of deviations. Specifically, failure to report on the semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 the SO₂, and O₂ temperature exceedances and the failure to properly maintain daily operating records [30 TEX. ADMIN. CODE § 122.145(2)(A), GOP No. 514, FOP No. O-00875, Special Requirement No. (b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): AIR CS0005V



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES

Assigned

25-Feb-2008

PCW

27-Feb-2008

Screening

26-Feb-2008

EPA Due

17-Nov-2008

RESPONDENT/FACILITY INFORMATION

Respondent Enbridge Pipelines (NE Texas) L.P.

Reg. Ent. Ref. No. RN100223783

Facility/Site Region 5-Tyler

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 35454

Docket No. 2008-0342-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 5

Order Type 1660

Enf. Coordinator Jorge Ibarra, P.E.,

EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$12,700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

2% Enhancement

Subtotals 2, 3, & 7 \$254

Notes

The Respondent was issued one NOV with the same/similar type of violations, and submitted one Notice of Intent and one Disclosure of Violations.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts	\$884
Approx. Cost of Compliance	\$9,700

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$12,954

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$12,954

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$12,954

DEFERRAL

20%

Reduction

Adjustment -\$2,590

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$10,364

Screening Date 26-Feb-2008

Docket No. 2008-0342-AIR-E

PCW

Respondent Enbridge Pipelines (NE Texas) L.P.

Policy Revision 2 (September 2002)

Case ID No. 35454

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100223783

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.,

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent was issued one NOV with the same/similar type of violations, and submitted one Notice of Intent and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 2%

Screening Date 26-Feb-2008	Docket No. 2008-0342-AIR-E	PCW			
Respondent Enbridge Pipelines (NE Texas) L.P.	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 35454	<small>PCW Revision January 29, 2008</small>				
Reg. Ent. Reference No. RN100223783					
Media [Statute] Air					
Enf. Coordinator Jorge Ibarra, P.E.,					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 1, General Operating Permit ("GOP") No. 514, Federal Operating Permit ("FOP") No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to maintain an emission rate below the maximum allowable emission limit for the tail gas thermal oxidizer ("TGTO") [emission point number ("EPN THERMOX")]. Specifically, the sulfur dioxide ("SO2") limit of 37.58 pounds per hour ("lbs/hr") was exceeded as follows: 15 times during the month of January 2007, 6 times during the month of February 2007, 4 times during the month of March 2007, 2 times during the month of April 2007, 6 times during the month of May 2007, and 17 times during the month of June 2007. The SO2 exceedances for these time periods varied from 37.63 to 144.67 lbs/hr.				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<input type="text"/>	<input type="text" value="x"/>		
	Potential	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				<input type="text" value="\$7,500"/>	
				<input type="text" value="\$2,500"/>	
Violation Events					
Number of Violation Events <input type="text" value="2"/>		Number of violation days <input type="text" value="180"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text" value="x"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
Two quarterly events are recommended based on the permit exceedances which occurred during the period of January 1, 2007 through June 30, 2007.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$468"/>		Violation Final Penalty Total <input type="text" value="\$5,100"/>			
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$5,100"/>	

Economic Benefit Worksheet

Respondent Enbridge Pipelines (NE Texas) L.P.
Case ID No. 35454
Reg. Ent. Reference No. RN100223783
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Jan-2007	15-Nov-2008	1.9	\$468	n/a	\$468

Notes for DELAYED costs

Estimated cost to develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of emission exceedances. Date Required is the date of the first emission exceedance. Final Date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$468

Screening Date 26-Feb-2008

Docket No. 2008-0342-AIR-E

PCW

Respondent Enbridge Pipelines (NE Texas) L.P.

Policy Revision 2 (September 2002)

Case ID No. 35454

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100223783

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.,

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the TGTO oxygen ("O2") content at no less than 3%. Specifically, O2 content was below 3% as follows: 9 times during the month of January 2007, 248 times during the month of February 2007, 177 times during the month of March 2007, 9 times during the month of April 2007, and 1 time during the month of June 2007. The O2 exceedances for these time periods varied from 0.35 to 2.44% content.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

180 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the permit exceedances which occurred during the period of January 1, 2007 through June 30, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$181

Violation Final Penalty Total \$5,100

This violation Final Assessed Penalty (adjusted for limits) \$5,100

Economic Benefit Worksheet

Respondent Enbridge Pipelines (NE Texas) L.P.
Case ID No. 35454
Reg. Ent. Reference No. RN100223783
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	9-Jan-2007	1-Nov-2008	1.8	\$181	n/a	\$181

Notes for DELAYED costs

Estimated cost to develop and implement measures to improve design, operations, and/or maintenance practices to maintain the TGTO O2 content and the firebox chamber temperature as required. Date Required is the date of the first emission exceedance, Final Date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$181

Screening Date 26-Feb-2008 **Docket No.** 2008-0342-AIR-E **PCW**
Respondent Enbridge Pipelines (NE Texas) L.P. *Policy Revision 2 (September 2002)*
Case ID No. 35454 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN100223783

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.,

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit. Specifically, temperature was below 1,000 degrees Fahrenheit as follows: 5 times during the month of January 2007 and 3 times during the month of March 2007. The temperature exceedances for these time periods varied from 619.66 to 935.42 degrees Fahrenheit.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

89 **Number of violation days**

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the permit exceedances which occurred during the period of January 1, 2007 through March 31, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$184

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent Enbridge Pipelines (NE Texas) L.P.
Case ID No. 35454
Reg. Ent. Reference No. RN100223783
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Jan-2007	1-Nov-2008	1.8	\$184	n/a	\$184

Notes for DELAYED costs

Estimated cost to develop and implement measures to improve design, operations, and/or maintenance practices to maintain the TGTO O2 content and the firebox chamber temperature as required. Date Required is the date of the first emission exceedance, Final Date is the expected compliance date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$184

Screening Date 26-Feb-2008

Docket No. 2008-0342-AIR-E

PCW

Respondent Enbridge Pipelines (NE Texas) L.P.

Policy Revision 2 (September 2002)

Case ID No. 35454

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100223783

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.,

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 13D, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly maintain all records for a period of two years and make them readily available upon request. Specifically, the operating records were missing for March 6-15, 2007, May 19, 2007, and June 23-24, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

110 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

Economic Benefit Worksheet

Respondent Enbridge Pipelines (NE Texas) L.P.

Case ID No. 35454

Reg. Ent. Reference No. RN100223783

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	6-Mar-2007	1-Oct-2008	1.6	\$39	n/a	\$39
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and begin implementing and improved recordkeeping system. Date Required is the first date of non-compliance, Final Date is the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$39

Screening Date 26-Feb-2008

Docket No. 2008-0342-AIR-E

PCW

Respondent Enbridge Pipelines (NE Texas) L.P.

Policy Revision 2 (September 2002)

Case ID No. 35454

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100223783

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.,

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 122.145(2)(A), GOP No. 514, FOP No. O-00875, Special Requirement No. (b)(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, failure to report on the semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 the SO₂ and O₂ temperature exceedances and the failure to properly maintain daily operating records.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

212 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

Economic Benefit Worksheet**Respondent** Enbridge Pipelines (NE Texas) L.P.**Case ID No.** 35454**Reg. Ent. Reference No.** RN100223783**Media** Air**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	29-Jul-2007	1-Oct-2008	1.2	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to properly report all instances of deviations. Date Required is the first date of non-compliance, Final Date is the expected compliance date.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$12

Compliance History

Customer/Respondent/Owner-Operator: CN601521925 Enbridge Pipelines (NE Texas) L.P. Classification: AVERAGE Rating: 2.74

Regulated Entity: RN100223783 PITTSBURG GAS PLANT Classification: HIGH Site Rating: 0.00

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	CE0005V
AIR OPERATING PERMITS	PERMIT	875
AIR OPERATING PERMITS	PERMIT	2961
AIR NEW SOURCE PERMITS	REGISTRATION	71046
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CE0005V
AIR NEW SOURCE PERMITS	AFS NUM	4806300002
AIR NEW SOURCE PERMITS	PERMIT	8986

Location: 1088 COUNTY ROAD 1140 IN CAMP COUNTY, TX, 75686 Rating Date: September 01 07 Repeat Violator NO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: March 07, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 07, 2003 to March 07, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/05/2003	(147671)
2	07/08/2004	(274497)
3	10/15/2004	(451234)
4	02/02/2005	(349534)
5	02/28/2005	(372505)
6	03/17/2005	(373788)
7	03/24/2005	(375323)
8	07/05/2005	(397519)
9	07/28/2005	(402006)
10	08/29/2005	(418524)
11	11/18/2005	(434945)
12	12/01/2005	(435480)
13	01/25/2006	(449940)
14	03/13/2006	(458818)
15	03/30/2006	(460880)
16	04/03/2006	(460834)
17	04/03/2006	(460649)
18	05/01/2006	(463135)

19	09/20/2006	(512074)
20	11/29/2006	(531354)
21	11/29/2006	(531309)
22	02/28/2007	(542096)
23	03/15/2007	(543485)
24	03/27/2007	(554010)
25	04/09/2007	(554899)
26	11/06/2007	(599364)
27	01/23/2008	(614698)
28	02/21/2008	(599358)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 07/09/2004 (274497)

Self Report? NO

Classificatio Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.054
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report all instances of deviations for each emissions unit addressed in Federal Operating Permit O-00875 as required by 30 Tex. Admin. Code § 122.145(2)(A)/ Tex. Health & Safety Code § 382.054 and Tex. Health & Safety Code § 382.085(b).

F. Environmental audits.

Notice of Intent Date: 08/25/03 (262301)

Disclosure Date: 12/23/2003

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: failed to keep a daily flare operation log

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: failed to calculate and report nitrogen oxide and nitrogen dioxide emissions from previous emissions events

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.512(1)

Description: Failed to submit Form PI-7 for the Caterpillar G399 engine installed in November 2002.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.512(2)(C)(iii)

Description: Failed to perform an initial performance test for emissions of NO x and CO.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.223

Description: Has had difficulty meeting the sulfur reduction efficiencies specified in Air Quality Permit No. 8986.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 SEP 12 AM 11:43
CHIEF CLERK'S OFFICE

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENBRIDGE PIPELINES (NE TEXAS)
L.P.
RN100223783

§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0342-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enbridge Pipelines (NE Texas) L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a natural gas processing plant at 1088 County Road 1140 in Camp County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 26, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Nine Hundred Fifty-Four Dollars (\$12,954) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Three Hundred Sixty-Four Dollars (\$10,364) of the administrative penalty and Two Thousand Five Hundred Ninety Dollars (\$2,590)

is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain an emission rate below the maximum allowable emission limit for the tail gas thermal oxidizer ("TGTO") [emission point number ("EPN THERMOX")], in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 1, General Operating Permit ("GOP") No. 514, Federal Operating Permit ("FOP") No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 28, 2007. Specifically, the sulfur dioxide ("SO₂") limit of 37.58 pounds per hour ("lbs/hr") was exceeded as follows: 15 times during the month of January 2007, 6 times during the month of February 2007, 4 times during the month of March 2007, 2 times during the month of April 2007, 6 times during the month of May 2007, and 17 times during the month of June 2007. The SO₂ exceedances for these time periods varied from 37.63 to 144.67 lbs/hr.
2. Failed to maintain the TGTO oxygen ("O₂") content at no less than 3%, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 28, 2007. Specifically, O₂ content was below 3% as follows: 9 times during the month of January 2007, 248 times during the month of February 2007, 177 times during the month of March 2007, 9 times during the month of April 2007, and 1 time during the month of June 2007. The O₂ exceedances for these time periods varied from 0.35 to 2.44% content.

3. Failed to maintain the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 9, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 28, 2007. Specifically, temperature was below 1,000 degrees Fahrenheit as follows: 5 times during the month of January 2007 and 3 times during the month of March 2007. The temperature exceedances for these time periods varied from 619.66 to 935.42 degrees Fahrenheit.
4. Failed to properly maintain records for a period of two years and make them readily available upon request, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Permit No. 8986, Special Condition No. 13D, GOP No. 514, FOP No. O-00875, Special Requirement Nos. (b)(2) and (b)(7)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on November 28, 2007. Specifically, records were missing for March 6-15, 2007, May 19, 2007, and June 23-24, 2007.
5. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A), GOP No. 514, FOP No. O-00875, Special Requirement No. (b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on November 28, 2007. Specifically, failure to report on the semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 the SO₂, and O₂ temperature exceedances and the failure to properly maintain daily operating records.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enbridge Pipelines (NE Texas) L.P., Docket No. 2008-0342-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Immediately after the effective date of this Agreed Order, submit a revised semiannual deviation report for the period covering January 1, 2007 to June 30, 2007 to include all instances of deviations, in accordance with 30 TEX. ADMIN. CODE § 122.145;
- b. Within 30 days after the effective date of this Agreed Order, implement procedures to maintain the TGTO O₂ content at no less than 3%, the TGTO firebox chamber temperature at a minimum of 1,000 degrees Fahrenheit and begin maintaining all required records, in accordance with Permit No. 8986, Special Condition Nos. 9 and 13D;
- c. Within 45 days after the effective date of this Agreed Order, develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of emission exceedances of SO₂ from the TGTO that occurred on January 1, 2007 to June 30, 2007; and
- d. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Smith
For the Executive Director

9/4/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Kerry Puckett
Signature

5/9/08
Date

Kerry Puckett
Name (Printed or typed)
Authorized Representative of
Enbridge Pipelines (NE Texas) L.P.

VP Engineering & Operations
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

